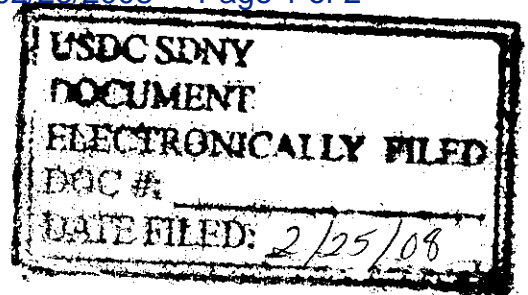
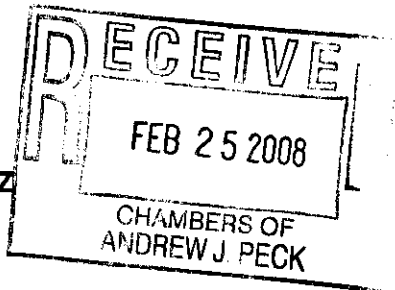


February 20, 2008.

JESSE RODRIGUEZ  
#03-A-5528  
Attica Corr. Fac.  
P.O. Box 149  
Attica, New York 14011-0149



**BY FAX**

**MEMO ENDORSED** 2/21/08

The time for Rodriguez to file his  
CPL 440 motion in state court / ask  
not by per (and of same) is extended to  
2/27/08 - no further extensions will be  
granted.

SO ORDERED:

Hon. Andrew Jay Peck  
United States Magistrate Judge

Dear Pro Se Clerk:

By order of Honorable Magistrate Peck filed January 28, 2008, directing the petitioner in the above entitled proceeding to file a CPL §440 motion, raising a "ineffective assistance of counsel" claim, in order to fully exhaust for purposes of the pending habeas corpus application. Petitioner asserts that because of the scheduling process for access to the facility law library, he respectfully requests an additional 15 days in order to have the assigned clerk prepare and file his CPL §440 motion regarding the ineffective assistance of counsel claim. *Copy filed Party's 2/21/08*

Thanking your Honor for consideration of the additional time period in which to file said motion before the state court, and for your Honor's time and efforts in this matter.

Respectfully,

*Jesse Rodriguez*  
JESSE RODRIGUEZ

cc: Hon. Robert M. Morgenthau  
District Attorney  
New York County  
ATTN: Susan Gliner (SG-1504)  
Assistant District Attorney

file  
JR/rs

Petitioner declares under penalty of perjury that he has forwarded a copy of this letter to the respondent on February 20, 2008.

s/ *Jesse Rodriguez*  
JESSE RODRIGUEZ

# FAX TRANSMITTAL SHEET



**ANDREW J. PECK  
UNITED STATES MAGISTRATE JUDGE  
UNITED STATES DISTRICT COURT**

Southern District of New York  
United States Courthouse  
500 Pearl Street, Room 1370  
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933  
Telephone No.: (212) 805-0036

**Dated:** February 25, 2008

**Total Number of Pages:** 2

TO	FAX NUMBER
Susan Gliner, Esq.	212-335-9288

## **TRANSCRIPTION:**

### **MEMO ENDORSED 2/25/08**

The time for Rodriguez to file his CPL 440 motion in state court (and notify this Court of same) is extended to 3/17/08 – no further extensions will be granted.

**Copies to:** Jesse Rodriguez (Mail)  
Judge Jed S. Rakoff